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DATE: August 30, 2005

TOTAL # OF PAGES:
(INCLUDING THIS COVER SHEET)

18

TO: Mail Stop AMENDMENT
Commissioner for Patents

FAX #: (571) 273-8300

ATTN: Examiner:
Art Unit: 1745

PHONE #: (703) 605-4670

FROM: Victor E. Johnson

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RE:

U.S. Patent Application No. 10/089,377 for
Fuel Cell Assembly
Filed: September 28, 2000
Our Docket No. A-71428/DJB/VEJ (Matter No. 461124-00022)

COMMENTS:

Kindly acknowledge receipt of the following documents by return facsimile:

- 1) SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT;
- 2) Substitute Form PTO/SB/8A;
- 3) Copy of Japanese Application Publication No. 7-235316 A and English-language translation thereof; and
- 4) This facsimile cover sheet.

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PLEASE CONTACT PATRICIA A. DIEHL AT (415) 781-1989 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

REFERENCE # 461124-00022

AUG 30 2005

PATENT

Attorney Docket No. A-71428/DJB/VEJ
Application No. 10/089,377

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Donald JAFFREY *et al.*

Application No. 10/089,377

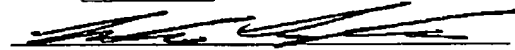
Filed: September 28, 2000

For: FUEL CELL ASSEMBLY

Art Unit: 1745

Examiner: *To be assigned*

Docket No.: A-71428/DJB/VEJ

Certificate of Transmission (37 C.F.R. § 1.8(a))*I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile number (571) 273-8300 on August 30, 2005.*

Lukas K. Szymanski

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

This Supplemental Information Disclosure Statement ("IDS") is hereby submitted in accordance with 37 C.F.R. 1.98 and pursuant to Applicant's continuing duty under 37 C.F.R. 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. The Examiner's attention is directed to the reference(s) cited on the accompanying substitute for form PTO-1449A/PTO. Applicant also makes no representation that the information submitted herewith is in fact material to patentability. The filing of this IDS shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 11 O.G. 13-25, at 25.

This IDS newly makes of record an English-language translation of Japanese Application Publication No. JP 7-235316 A. The Japanese Publication was previously made of record in the IDS submitted April 13, 2005 but mistakenly referred to as JP 07-135316 A. A copy of the Japanese Publication is attached hereto for the Examiner's convenience.

INFORMATION DISCLOSURE STATEMENT

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4852-0349-0048\1

PATENT

Attorney Docket No. A-71428/DJB/VEJ
Application No. 10/089,377

This IDS is being filed before the mailing date of a first Office action on the merits. 37 C.F.R. § 1.97(b). No fee is required. In the event that this IDS is being filed after the period set forth in above, but before the mailing date of any of a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (see 37 C.F.R. § 1.97(c)), I hereby state that the newly cited English-language translation of the Publication was not cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was not known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). No fee is required.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 50-2319 (Matter No. 461124-00022; Docket No. A-71428/DJB/VEJ).

Date: August 30, 2005

Respectfully submitted,

By: Victor E. Johnson, Reg. No. 41,546
/for/ David J. Brezner, Reg. No. 24,774

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INFORMATION DISCLOSURE STATEMENT

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4852-0349-0048\1

Substitute PTO/SB/8A (08-00)

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete If Known	
				Application Number	10/089,377
				Filing Date	September 28, 2000
				First Named Inventor	Donald JAFFREY et al.
				Group Art Unit	1745
				Examiner Name	To be assigned
Sheet	1	of	1	Attorney Docket Number	A-71428/DJB/VEJ

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	C1				
	C2				
	C3				
	C4				
	C5				
	C6				
	C7				
	C8				
	C9				
	C10				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code ² Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	C11	JP 7-235316 A	09-05-1995	FUJIKURA LTD		Y
	C12					
	C13					
	C14					
	C15					

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C16		
	C17		
	C18		
	C19		
	C20		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

4852-0349-0048V1